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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,732	12/04/2003	Bo Andersson	0237.045	7176

23405 7590 08/10/2005

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ALBANY, NY 12203

EXAMINER

SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Tak

Office Action Summary	Application No.	Applicant(s)	
	10/727,732	ANDERSSON, BO	
	Examiner	Art Unit	
	Craig M. Schneider	3572	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/04/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Paragraph 14 Line 3 is referring to the outlet as "106" and it should be --104--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-3, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Clements (229,094).

Regarding claims 1-2 and 6, Clements discloses a ball check valve as seen in Figure 1, the bottom portion of Clements has the ball resting in the fluid inlet of the housing. The cage of the area would be the walls that would communicate the inlet and the outlet of the chamber. The spherical ball has a diameter that is greater than the inlet and it is movable within the depicted cage to allow fluid to pass (col. 1, ll. 45-56 as seen in Figure 1). Inside the spherical ball there is a plurality of shock absorbing members, wherein the spherical shock absorbing members stabilize the spherical hollow ball while in transition between the first flow impeding position and the second position. (col. 1, ll. 45-56).

Regarding claim 3, Clements teaches the plurality of spherical shock absorbing members are metallic (col. 1, ll. 45-46).

Regarding claim 5, Clements teaches that the plurality of spherical shock absorbing members only partially fill said spherical hollow ball as seen in Figure 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clements (229,094) in view of Watanabe et al. (6,267,137).

Clements has taught all the features of the claimed invention, except that the spherical hollow ball is a metallic sphere enclosed by a coat of rubber. Watanabe et al. teach the use of a metallic sphere closely encompassed with a coat of rubber or synthetic resin (col. 5, ll. 5-8).

It would have been obvious to one having ordinary skill in the art to utilize the teaching of Watanabe et al. onto Clements' ball, by having a hollow metal ball enclosed by a coat of rubber, in order to make the ball stronger and would result in the seating of the ball without noise.

Conclusion

Art Unit: 3572

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bergen (5,709,242), Malablocki (4,501,292), Werra et al (3,105,516) and Sterrett (2,810,396) disclose other types of check valves.

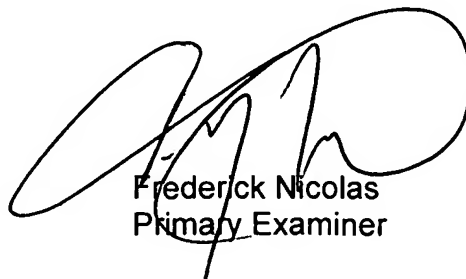
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
August 8, 2005


Craig Schneider
Patent Examiner
Art Unit 3572


Frederick Nicolas
Primary Examiner

8/8/05